

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WILLIE JUNIOR McCASKILL, II,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 1:05CV536
)	
DEPARTMENT OF THE ARMY,)	
FRANCIS J. HARVEY,)	
Secretary of the Army,)	
)	
Defendant.)	

ORDER and JUDGMENT

BULLOCK, District Judge

For the reasons set forth in the memorandum opinion filed contemporaneously herewith,

IT IS ORDERED that Defendant's motion to dismiss [Doc. #7] is **DENIED**.

IT IS ORDERED AND ADJUDGED that Defendant's alternate motion for summary judgment [Doc. #7] is **GRANTED**, and this action is hereby **DISMISSED** with prejudice.


United States District Judge

February 8, 2006